

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TONAL LAMAR CARD,

Plaintiff,

v.

DAVID W. CHRISTEL,

Defendant.

CASE NO. C24-5932 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 4, recommending the Court deny pro se plaintiff Tony Card's application to proceed *in forma pauperis*, supported by his proposed complaint, Dkt. 1, and dismiss the case with prejudice and without leave to amend as facially frivolous.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C) (emphasis added); *see also* Fed. R. Civ. P. 72(b)(3). It must modify or set aside any portion of the order that is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended

1 disposition; receive further evidence; or return the matter to the magistrate judge with
2 instructions. Fed. R. Civ. P. 72(b)(3).

3 The Court must “review the Magistrate Judge’s findings and recommendations de
4 novo *if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d
5 1114, 1121 (9th Cir. 2003) (citing § 636(b)(1)(C)). A proper objection requires “specific
6 written objections to the proposed findings and recommendations.” Fed. R. Civ. P.
7 72(b)(2).

8 Card has not objected to the R&R, and its recommended disposition of his pending
9 motion and claim is neither clearly erroneous nor contrary to law. The R&R is therefore
10 **ADOPTED**. Card’s *in forma pauperis* application is **DENIED**, and this matter is
11 **DISMISSED** with prejudice and without leave to amend.

12 The Clerk shall enter a **JUDGMENT** and close the case.

13 **IT IS SO ORDERED.**

14 Dated this 7th day of January, 2025.

15
16
17
18
19
20
21
22



BENJAMIN H. SETTLE
United States District Judge